



01-25-06  
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3726

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kim, Song ) Confirmation No. 5641  
Serial No.: 09/893,209 ) Examiner: Trinh T. Nguyen  
Filed: September 19, 2001 ) Art Unit: 3726  
For: **ROLLER COVER** )  
Atty. Dkt. No.: 7091-103N1 (10102873) )

CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

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Date: Jan 23 2006

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Los Angeles, California 90071

STATUS LETTER

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JAN 30 2006

TECHNOLOGY CENTER R3700

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313

Sir:

Enclosed is a copy of your response to our Status Letter mailed February 5, 2005. Please advise the results of the official search. In the event the PTO did not find the file we are attaching a copy of our file for your convenience.

Please advise the status of the above-identified patent application.

Respectfully submitted,

  
Robert Berliner  
Registration No. 20,121

(213) 892-9237

07091-103NIUS

Carolyn Brown

United States Patent & Trademark Office

Technology Center 3700



571/272-4333

Date: 5/18/05

Total # of pages including cover sheet: 1

To: ROBERT BERLINER

Recipient Fax:

From: Carolyn A. Brown  
Supervisory Legal Instrument Examiner

Customer Service Center Sender Fax: 571-273-4333

Memo:

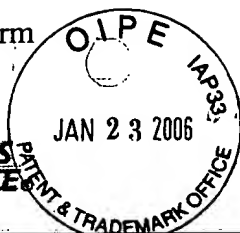
Application 09893209 is currently in Status: 41 /NON FINAL ACTION MAILED as of 12/11/2002. The application is currently assigned to NGUYEN, TRINH Group Art Unit: 3726. The docketed class/subclass is 492/013.000.

The file cannot be located. The office will conduct an official search, is not successful, the office will notify applicant, and request that the application be reconstructed.

Fulbright & Jaworski L.L.P.  
29<sup>th</sup> Floor  
825 South Figueroa Street  
Los Angeles, CA 90017

Fulbright & Jaworski LLP  
IPT Docketing  
Docketed ☒ Not required ☐  
Previously ☐ Confirmation ☐  
Received MAY 23 2005  
Attorney RB  
Docket No  
Action Req'd Status  
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kim, Song

Confirmation No. 5641

Serial No.: 09/893,209

Examiner: Trinh T. Nguyen

Filed: September 19, 2001

Art Unit: 3726

For: **ROLLER COVER**

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Atty. Dkt. No.: 7091-103N1 (10102873)

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Date: Aug. 9, 2004

FULBRIGHT & JAWORSKI L.L.P.  
865 South Figueroa Street, 29th Floor  
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STATUS LETTER

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313

Sir:

Enclosed is a copy of a Status Letter mailed February 9, 2004, along with a copy of the post card receipt, to which we have not received a response. Please advise the status of the above-identified patent application.

Respectfully submitted,

Robert Berliner  
Registration No. 20,121

(213) 892-9237



Inventor: Song Kim

Atty Docket No.: 7091-103N1/10102873

Application No.: 09/893,209  
Title: ROLLER COVER

Filing Date: September 19, 2001

Documents Filed:  
STATUS LETTER



Via: Express Mail Mailing Label No. EV 323596669 US  
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kim, Song	)	Confirmation No. 5641
Serial No.:	09/893,209	)	Examiner: Trinh T. Nguyen
Filed:	September 19, 2001	)	Art Unit: 3726
For:	<b>ROLLER COVER</b>	)	
Atty. Dkt. No.:	7091-103N1 (10102873)	)	

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Date: Feb. 9, 2004

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865 South Figueroa Street, 29th Floor  
Los Angeles, California 90017-2576

STATUS LETTER

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313

Sir:

Please advise the status of the above-identified patent application. A non-final rejection was mailed on December 11, 2002 and responded to on March 7, 2003. To date no further communication has been received from the Patent and Trademark Office.

Respectfully submitted,

Robert Berliner  
Registration No. 20,121

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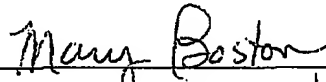
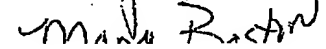
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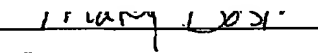
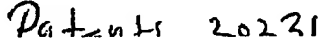
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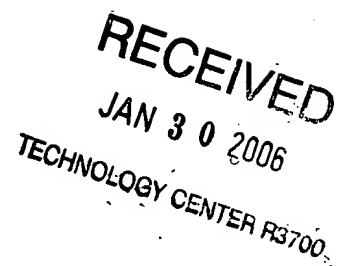
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Sincerely,

United States Postal Service



**Inventor:** Song Kim

Application No.: 09/893,209  
Title: ROLLER COVER

Atty Docket No.: 7091-103N1/10102873

**Filing Date: 9/19/01**

**Do Filed:**  
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kim, Song )

Serial No.: 09/893,209 )

Filed: September 19, 2001 )

For: **ROLLER COVER** )

Atty. Dkt. No.: 7091-103N1 (10102873) )

Examiner: Trinh T. Nguyen

Art Unit: 3726

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**RESPONSE**

CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, Box: Non-Fee Amendment, Washington, D.C. 20231.

Date: March 7, 2003

FULBRIGHT & JAWORSKI L.L.P.  
865 South Figueroa Street, 29th Floor  
Los Angeles, California 90017-2576

Commissioner for Patents  
Box: Non-Fee Amendment  
Washington, DC 20231

Sir:

Please enter the following remarks in response to the Office Action of December 11, 2002.

REMARKS

Applicant respectfully traverses the rejection under 35 U.S.C. § 103(a) over Serwer (U.S. Patent 3,030,696) in view of Tramont (U.S. Patent 5,693,141). Referring to paragraphs 3 and 5 of the Office Action, the Examiner acknowledges that Serwer

does not teach a natural sponge member formed on a roller tube and having natural sponge protrusions. He relies upon Tramont in this regard contending in paragraph 5 that Tramont provides roller medium either as a separate blank material (contending that means the material is cut to a predetermined thickness and/or shape) or a continuous blank material (contending that the blank material is therefore from a raw sheet material that is not being cut), and at least implies that such teachings are applicable to a natural sponge member. Respectfully, such an implication is contrary to what Tramont in fact teaches.

More particularly, the only places where Tramont refers to a blank material, whether separate or continuous, is with respect to compacted sheet medium. Specifically, Tramont refers to categories of the blank material: (a) under the heading "Compacted Sheet Medium-Generally", such as at column 5, lines 1-6, (b) under the heading "Compacted Sheet Medium-Non-Porous Sheet" at column 5, lines 56-66, and (c) under the heading "Compacted Sheet Medium-Porous Sheet" at column 5, lines 27-49. In each one of these categories, the sheet medium is not sponge medium. When Tramont does refer to sponge medium, he does so only with respect to the category "Sculptured Sponge Medium", at column 8, line 59-column 9, line 46. Tellingly, Tramont does not mention blank material at all in the category of sculptured sponge medium, whether formed from natural sponge material or synthetic sponge material (column 8, lines 60-62). Thus, while Tramont's compacted sheet medium may be cut to a predetermined thickness, the sculptured sponge medium is, in fact, not cut to a predetermined thickness. See, in this regard, column 9, lines 18-22, of Tramont where he states:

"The sponge material 70 is preformed so that the outer medium 24, in its relaxed state, has a sculptured outer surface with a height above the roller core which varies (emphasis added) between a minimum height of approximately 1/8 inch and a maximum height of approximately 1/2 inch or more."

Tramont is careful to distinguish between compacted sheet medium and sculptured sponge medium. See column 4, lines 62-67, where he specifically refers to appropriate captions to describe of these mediums (Tramont's reference to "combined medium" is irrelevant to the present discussion as that concerns an outer layer of non-

porous material; see column 9, lines 48-53.). Accordingly, the Examiner's discussion of separate or continuous "blank material" is irrelevant to the issue of whether Tramont adds to the disclosure of Serwer because the only time Tramont refers to such blank material is when referring to the same type of materials found in Serwer. When Tramont refers to materials of the type used by Applicant, he studiously avoids referring to them in any manner that could imply a predetermined thickness; indeed, he teaches directly away from a predetermined thickness by calling for the sculptured surface of the sponge material to have a variable height above the roller core from 1/8 inch to 1/2 inch or more. Thus, rather than leading one to Applicant's invention, Tramont leads one directly away.

In paragraphs 6 and 7 of the Office Action, the Examiner states two propositions which are not supported or supportable, namely, that the preformed shape is equivalent to a strip as claimed and that Tramont teaches the wrapping of a preformed shape spirally around the elongated core stock. The first proposition, that a preformed shape is equivalent to the claimed strip, is totally conclusory and has no support any place in Tramont.

Second, if the Examiner means to imply that any teaching by Tramont of spirally wrapping a preformed shape around core stock is applicable to Tramont's category of sculptured sponge medium, he is, respectfully, wrong. Tramont refers to spiral wrapping in only two locations, one of which is with respect to compacted sheet medium (column 5, line 18), the other with respect to what Tramont refers to as the combined medium wherein a non-porous surface area is spirally wound around the base layer (column 10, lines 23-31, at 31).

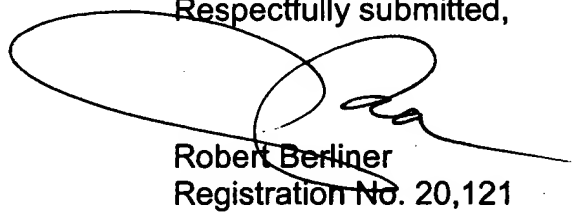
Applicant believes the Examiner is inappropriately using selected portions of Tramont to impute limitations having nothing to do with sculptured sponge medium to that medium. As stated in Tramont's Abstract, he provided three distinct embodiments, one being a compacted blank material, a second being a sponge with sponge-like material, and a third being porous material having an outer surface of non-porous material, and then treats these categories separately. In a sense, they can be considered respectively as Tramont I, Tramont II, and Tramont III. The Examiner has taken the teachings of Tramont I and imputed them to the teachings of Tramont II.



Since it is only Tramont II that deals with a sculptured sponge medium, it is only Tramont II that should be combinable with Serwer to buttress Serwer's disclosure. However, when that is done, it is evident that rather than buttressing such disclosure, Tramont II teaches away from such a combination, in particular away from a combination of claimed limitations calling for cutting the sponge material into pieces of predetermined thicknesses and connecting a piece of the sponge member to the base material to form a strip assembly.

Applicant respectfully requests the Examiner to reconsider his position and to allow the claims. A Notice of Allowance is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert Berliner', is written over the typed name and registration number.

Robert Berliner  
Registration No. 20,121

(213) 892-9237



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,209	09/19/2001	Song Kim	7091-103/10102873	5641

7590

12/11/2002

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EXAMINER

NGUYEN, TRINH T

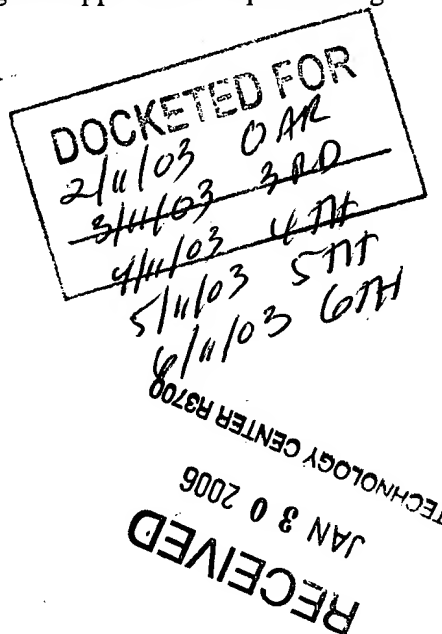
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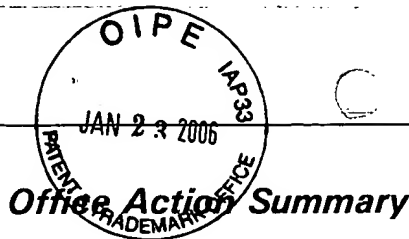
PAPER NUMBER

3726

DATE MAILED: 12/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.





Application No.  
09/893,209

Applicant(s)  
Kim

Examiner  
Trinh Nguyen

Art Unit  
3726



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Nov 8, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above, claim(s) 4-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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Art Unit:

## DETAILED ACTION

### *Continued Examination under 37 CFR 1.114 After Final Rejection*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/8/02 has been entered.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Serwer (US 3,030,696) in view of Tramont (US 5,693,141).

As shown in clearly in Figures 1, 2, and 4, and lines 1-55 of col. 2, Serwer clearly discloses all the limitations as claimed except for: 1) a natural sponge member formed on the roller tube having natural sponge protrusions capable of applying paint to a surface in a positive

Art Unit:

design form; and 2) the base material comprises cotton. Note that Serwer's roller tube has at least one end being open since an end cap (23) is being inserted on this open end (see Figure 4).

Regarding 1) a natural sponge member formed on the roller tube...capable of applying paint to a surface in a positive design form, Tramont teaches the use of a natural sponge member formed on the roller tube wherein the natural sponge member having sponge protrusions capable of applying paint to a surface in a positive design form (see lines 60-63 of col. 8, lines 1-10 of col. 9, and Figure 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have replaced Serwer's synthetic sponge-like lamina 12 with a natural sponge member, as taught in Tramont, in order to save the cost of manufacturing a synthetic sponge member, and since Tramont states that the material can be either synthetic sponge or natural sponge (see lines 60-65 of col. 8).

Regarding 2), Serwer teaches the use of a backing/base layer as claimed, but made of "substantially non-elastic material, such as paper or others suitable flexible non-elastic sheeting" (see lines 1-8 of col. 2). Cotton is in this category. Furthermore, Applicant acknowledges that other materials can be used as the backing/base material (i.e., fabric, plastic sheets, natural or synthetic rubber) (see paragraph [0020] of page 4 of the specification). Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the backing/base material is a matter of design choice, wherein no significant problem is solved, or unexpected result obtained by constructing the backing/base material out of either cotton, or fabric, or plastic sheets, or rubber as claimed versus the backing/base material utilized by Serwer,

Art Unit:

since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

***Response to Arguments***

4. Applicant's arguments filed 11/8/02 have been fully considered but they are not persuasive.

5. Applicant argues that Serwer does not teach a natural sponge member of predetermined thickness, the Examiner agrees. However, as described above in paragraph #3, the reference Tramont was cited to show that using "a natural sponge" member in a paint roller is old and well known. Furthermore, note that Tramont's roll medium (which is equivalent to Applicant's "member" as claimed in claim 1) is provided from either a separate blank material (which means that the blank material is being cut to a predetermined thickness and/or shape) or a continuous blank material (which means that the blank material is from a roll of sheet material that is not being cut).

6. Applicant further argues that there is nothing to suggest the use of a strip of natural sponge member onto the roller tube of Serwer, the Examiner disagrees. In this case, the Serwer reference teaches the use of a strip of "sponge-type" material onto a paint roller and the Tramont reference teaches the use of a strip of "natural sponge" material onto a paint roller. Therefore, it would have been obvious to one of ordinary skill in the art to replace Serwer's "sponge-type" material with Tramont's "natural sponge" material, since it would be a matter of design choice of material selection.

Art Unit:

7. Applicant further argues that Tramont does not teach the strip being wound diagonally on the roller tube, the Examiner disagrees. In lines 22-27 of col. 5, Tramont teaches that the preformed shape (which is equivalent to the strip as claimed) is wrapped spirally around elongated core stock (which is equivalent to the roller tube as claimed).

*Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh Nguyen whose telephone number is (703) 306-9082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

ttn

December 10, 2002

J. C. R.  
Am 372c

In re application of: Song Kim  
FOR: ROLLER CAGE FRAME AND ROLLER COVER  
SN/PATENT NO.: 09/893,209

PATENT  
Docket No. 7091-103N1/10102873

FILING/ISSUE DATE: September 19, 2001

Enclosures:  
PETITION FOR EXTENSION OF TIME IN DUPLICATE WITH DEPOSIT ACCOUNT  
AUTHORIZATION AND POST CARD RECEIPT

EL318727273US

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Date Mailed: Nov. 11, 2002

rb:jb

In re application of: Song Kim  
FOR: ROLLER CAGE FRAME AND ROLLER COVER  
SN/PATENT NO.: 09/893,209

PATENT  
Docket No. 7091-103N1/10102873

FILING/ISSUE DATE: September 19, 2001

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PETITION FOR EXTENSION OF TIME IN DUPLICATE WITH DEPOSIT ACCOUNT  
AUTHORIZATION AND POST CARD RECEIPT

EL318727273US



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ACKNOWLEDGES RECEIPT OF THE ENCLOSED DOCUMENTS.

Date Mailed: Nov. 11, 2002

rb:jb





PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket No. (Optional)  
LA-7091-103.US-01

In re Application of Song Kim

Application Number  
09/893,209

Filed  
September 19, 2001

For: PAINT ROLLER HANDLE

Group Art Unit 3726

Examiner Trinh T. Nguyen

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate nonsmall-entity fee are as follows  
(check time period desired):

- ☒ One month (37 CFR 1.17(a)(1))  
☐ Two months (37 CFR 1.17(a)(2))  
☐ Three months (37 CFR 1.17(a)(3))  
☐ Four months (37 CFR 1.17(a)(4))  
☐ Five months (37 CFR 1.17(a)(5))

\$ 110.00  
\$  
\$  
\$  
\$

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 55.00

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

50-0337

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0337  
I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a)

Nov. 11, 2002  
Date

Signature

Robert Berliner  
Typed or Printed Name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below

☐ 1 forms are submitted.

One Month Request for Extension of Time Under 37 CFR 1.136(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL318727273US, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: Nov 11, 2002

Signature

(Jean Bove)

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EXTREME  
MUY UT

In re application of: KIM, SONG  
FOR: "ROLLER COVER"  
SERIAL NO.: 09/893,209

PATENT  
Docket No. 7091-103N1/10102873  
FILING DATE: September 19, 2001

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Enclosures

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4. POST

Enclosures:

1. FEE TRANSMITTAL (In Duplicate);
2. REQUEST FOR CONTINUED EXAMINATION (In Duplicate);
3. AMENDMENT; and
4. POSTCARD

PATENT  
Docket No. 7091-103N1/10102873

FILING DATE: September 19, 2001



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# FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 370.00

## Complete if Known

Application Number 09/893,209  
 Filing Date September 19, 2001  
 First Named Inventor KIM, SONG  
 Examiner Name Trinh T. Nguyen  
 Group Art Unit 3726  
 Attorney Docket No. 7091-103N1

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit AccountDeposit  
Account  
Number

50-0337

Deposit  
Account  
Name

Fulbright &amp; Jaworski LLP

The Commissioner is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	740	2001	370	Utility filing fee.	
1002	330	2002	165	Design filing fee	
1003	510	2003	255	Plant filing fee	
1004	740	2004	370	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	** =	x	=
Independent Claims	** =	x	=
Multiple Dependent			=

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	400	2252	200	Extension for reply within second month	
1253	920	2253	460	Extension for reply within third month	
1254	1,440	2254	720	Extension for reply within fourth month	
1255	1,960	2255	980	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,280	2453	640	Petition to revive - unintentional	
1501	1,280	2501	640	Utility issue fee (or reissue)	
1502	480	2502	230	Design issue fee	
1503	620	2503	310	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	740	2809	370	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	740	2810	370	For each additional invention to be examined (37CFR 1.129(b))	
1801	740	2801	370	Request for Continued Examination (RCE)	370.00
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

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SUBTOTAL (3) (\$) 370.00

## SUBMITTED BY

Name (Print/Type) Robert Berliner, Esq.

Registration No.  
(Attorney/Agent)

20,121

## Complete (if applicable)

Telephone (213) 892-9200

Signature

Date November 8, 2002

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☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 370.00

**Complete if Known**

Application Number	09/893,209
Filing Date	September 19, 2001
First Named Inventor	KIM, SONG
Examiner Name	Trinh T. Nguyen
Group Art Unit	3726
Attorney Docket No.	7091-103N1

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account

Deposit Account Number

50-0337

Deposit Account Name

Fulbright &amp; Jaworski LLP

The Commissioner is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

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**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
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1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 370.00

**SUBMITTED BY**

Name (Print/Type) Robert Berliner, Esq.

Registration No. (Attorney/Agent)

20,121

**Complete (if applicable)**

Telephone (213) 892-9200

Signature

Date


November 8, 2002

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<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b> Address to: Commissioner for Patents Box RCE Washington, DC 20231	<i>Application Number</i>	09/893,209
	<i>Filing Date</i>	September 19, 2001
	<i>First Named Inventor</i>	KIM, SONG
	<i>Group Art Unit</i>	3726
	<i>Examiner Name</i>	Trinh T. Nguyen
	<i>Attorney Docket No.</i>	7091-103N1

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. <b>Submission required under 37 CFR 1.114</b>	
a. <input type="checkbox"/>	Previously submitted
i. <input type="checkbox"/>	Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____ (Any unentered amendment(s) referred to above will be entered).
ii. <input type="checkbox"/>	Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
iii. <input type="checkbox"/>	Other _____
b. <input checked="" type="checkbox"/>	Enclosed
i. <input type="checkbox"/>	Amendment/Reply
ii. <input type="checkbox"/>	Affidavit(s)/Declaration(s)
iii. <input type="checkbox"/>	Information Disclosure Statement (IDS)
iv. <input checked="" type="checkbox"/>	Other <u>Amendment</u>
2. <b>Miscellaneous</b>	
a. <input type="checkbox"/>	Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
b. <input type="checkbox"/>	Other _____
3. <b>Fees</b> The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.	
a. <input checked="" type="checkbox"/>	The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. <u>50-0337</u>
i. <input checked="" type="checkbox"/>	RCE fee required under 37 CFR 1.17(e)
ii. <input type="checkbox"/>	Extension of time fee (37 CFR 1.136 and 1.17)
iii. <input type="checkbox"/>	Other _____
b. <input type="checkbox"/>	Check in the amount of \$ _____ enclosed
c. <input type="checkbox"/>	Payment by credit card (Form PTO-2038 enclosed)

<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED</b>			
<i>Name (Print/Type)</i>	Robert Berliner, Esq.	<i>Registration No. (Attorney/Agent)</i>	20,121
<i>Signature</i>		<i>Date</i>	November 8, 2002

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<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>  Address to: Commissioner for Patents Box RCE Washington, DC 20231	<i>Application Number</i>	09/893,209
	<i>Filing Date</i>	September 19, 2001
	<i>First Named Inventor</i>	KIM, SONG
	<i>Group Art Unit</i>	3726
	<i>Examiner Name</i>	Trinh T. Nguyen
	<i>Attorney Docket No.</i>	7091-103N1

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## 1. Submission required under 37 CFR 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Amendment

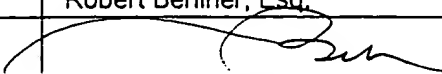
## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0337
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

<i>Name (Print/Type)</i>	Robert Berliner, Esq.	<i>Registration No. (Attorney/Agent)</i>	20,121
<i>Signature</i>		<i>Date</i>	November 8, 2002



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kim, Song ) Examiner: Trinh T. Nguyen  
Serial No.: 09/893,209 ) Art Unit: 3726  
Filed: September 19, 2001 )  
For: **ROLLER COVER** )  
Atty. Dkt. No.: 7091-103N1 (10102873) )

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**AMENDMENT**

CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail No. EL318728910 US, under 37 C.F.R. 1.8 and is addressed to: Box: RCE, Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: November 8, 2002

*Aide G. Silva*  
AIDE G. SILVA

865 So. Figueroa St., 29th Floor  
Los Angeles, CA 90017-2576

Box: RCE  
Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir/Madam:

In response to the Office Action of July 29, 2002, please cancel claim 2  
and amend claim 1 as follows:

## **IN THE CLAIMS**

1. (Twice amended) In a specialty paint finish roller:

a roller tube having first and second ends, at least one end being open, and an axial cavity located between first and second ends;

a natural sponge member comprising a flat strip of natural sponge of predetermined thickness connected to a base material, said strip being wound diagonally along the longitudinal axis of said roller tube and having natural sponge protrusions capable of applying paint to a surface in a positive design form; and means for rotatably connecting said roller tube to said axle.

## **REMARKS**

Attached is a marked-up version of the changes made by the above amendment, in a page captioned "Version with Markings to Show Changes Made."

Claim 1 has been amended by incorporating the limitations of claim 2, and in addition to include the further limitation of requiring that the natural sponge be of predetermined thickness. Support for the latter phrase is found in the specification, at page 5, line 18; see also original claim 4.

The rejection of claims 1 and 3 as unpatentable over Serwer U.S. Patent No. 3,030,696 in view of Tramont U.S. Patent No. 5,693,141 is respectfully traversed. Serwer does not teach a natural sponge member of predetermined thickness. He only refers to a "sponge-type" material such as polyurethane (column 2, lines 9-10) there is nothing in Serwer that would suggest providing natural sponge in a predetermined thickness as such would require cutting of the sponge to that thickness, a step which is not required with polyurethane. Nor does Tramont make any such suggestion. The only reference in Tramont to natural sponge material is with respect to Figures 4 and 9 (column 8, line 60 to column 9, line 46). The sponge material in Figures 4 and 9 does not have a predetermined thickness but has a variable thickness.



Moreover, while Sewer proposes diagonally winding a strip of polyurethane material around the longitudinal axis roller tube, there is nothing to suggest that such a procedure could be accomplished with natural sponge rubber and therefore there is no suggestion of the structure as presently claimed. Indeed, Tramont teaches directly away from the invention in requiring, with natural sponge, that his outer medium be formed by wrapping a pre-formed shape about an inner core and then affixing the pre-formed shape to the inner core (column 9, lines 6-9). A simple inspection of Figures 4 and 9 reveals that such wrapping is not a result of diagonal winding.

Therefore, when the art deals with the natural sponge material, the only teaching is to use a variable thickness, not predetermined, and pre-formation, not diagonal winding.

Applicant believes that the claims are in condition for allowance and respectfully solicits a Notice of Allowance.

The Commissioner is hereby authorized to charge any deficiency in the fees files, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0337. A duplicate copy of this paper is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert Berliner', is written over a large, loopy oval shape that serves as a placeholder or part of the signature itself.

Robert Berliner  
Registration No. 20,121

Dated: November 8, 2002

Docket No. 7091-103N1/10102873  
(213) 892-9307

## Version with Markings to Show Changes Made

### IN THE CLAIMS

1. (Twice amended) In a specialty paint finish roller:

a roller tube having first and second ends, at least one end being open, and an axial cavity located between first and second ends;

a natural sponge member [formed on] comprising a flat strip of natural sponge of predetermined thickness connected to a base material, said strip being wound diagonally along the longitudinal axis of said roller tube and having natural sponge protrusions capable of applying paint to a surface in a positive design form; and means for rotatably connecting said roller tube to said axle.



PB

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/893,209

09/19/2001

Song Kim

70915103/10102873

5641

7590

10/28/2002

FULBRIGHT & JAWORSKI L.L.P.

29th Floor

865 S. Figueroa Street

Los Angeles, CA 90017

EXAMINER

NGUYEN, TRINH T

ART UNIT

PAPER NUMBER

3726

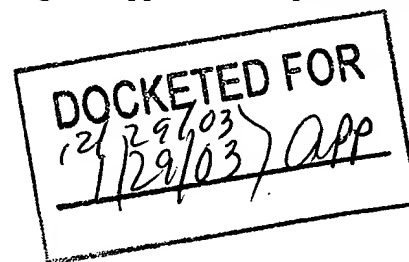
DATE MAILED: 10/28/2002

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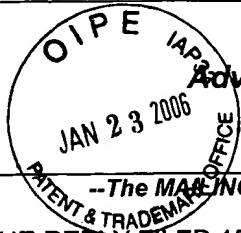
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### Advisory Action

Application No.

09/893,209

Applicant(s)

KIM, SONG

Examiner

Trinh T Nguyen

Art Unit

3726

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 October 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

#### PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection. 7/29/02
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-3.

Claim(s) withdrawn from consideration: 4-8.

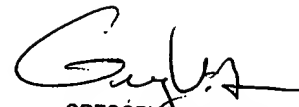
8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

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TECHNOLOGY CENTER R3700

Continuation of 2. NOTE: Inserting the phrase "predetermined thickness" into claim 1 is a new issue which would require further consideration.

  
GREGORY M. VIDOVIK  
PRIMARY EXAMINER  
SPE AV 3726



*file*

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JAN 30 2006  
TECHNOLOGY CENTER R3700

In re application of: KIM, SONG  
FOR: "ROLLER COVER"  
SERIAL NO.: 09/893,209

PATENT  
Docket No. 7091-103N1/10102873  
FILING DATE: September 19, 2001

Enclosures:

1. AMENDMENT TRANSMITTAL (In Duplicate)
2. AMENDMENT; and
3. POSTCARD

THE U.S. PATENT AND TRADEMARK STAMP AFFIXED TO THIS POSTCARD HEREBY  
ACKNOWLEDGES RECEIPT OF THE ENCLOSED DOCUMENTS.

Date Mailed: October 10, 2002

RB/ags

**AMENDMENT TRANSMITTAL LETTER**Docket No.  
7091-103N1/10102873Application No.  
09/893,209Filing Date  
September 19, 2001Examiner  
Trinh T. NguyenArt Unit  
3726


Applicant(s): KIM, SONG

Invention: **ROLLER COVER****TO THE COMMISSIONER FOR PATENTS**

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	2	- 20 =	0	x 9.00	0
Independent Claims	1	- 3 =	0	x 40.00	0
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					0
Other fee (please specify):					0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00

☐ Large Entity☒ Small Entity☒ No additional fee is required for this amendment.☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate copy of this sheet is enclosed.☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 50-0337  
as described below. A duplicate copy of this sheet is enclosed.☒ Credit any overpayment.☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.  
Robert Berliner, Esq.  
Attorney Reg. No.: 20,121Dated: October 10, 2002FULBRIGHT & JAWORSKI LLP  
865 S. Figueroa Street, 29<sup>th</sup> Floor  
Los Angeles, CA 90017



# AMENDMENT TRANSMITTAL LETTER

Docket No.  
7091-103N1/10102873

Application No.  
09/893,209

Filing Date  
September 19, 2001

Examiner  
Trinh T. Nguyen

Art Unit  
3726

Applicant(s): KIM, SONG

Invention: ROLLER COVER

COPY

## TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	2	- 20 =	0	x 9.00	0
Independent Claims	1	- 3 =	0	x 40.00	0
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					0
Other fee (please specify):					0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00

☐ Large Entity

☒ Small Entity

☒ No additional fee is required for this amendment.

☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_  
A duplicate copy of this sheet is enclosed.


☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 50-0337  
as described below. A duplicate copy of this sheet is enclosed.

☒ Credit any overpayment.

☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

  
Robert Berliner, Esq.  
Attorney Reg. No.: 20,121

Dated: October 10, 2002

FULBRIGHT & JAWORSKI LLP  
865 S. Figueroa Street, 29<sup>th</sup> Floor  
Los Angeles, CA 90017

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TECHNOLOGY CENTER R3700





PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kim, Song ) Examiner: Trinh T. Nguyen  
Serial No.: 09/893,209 ) Art Unit: 3726  
Filed: September 19, 2001 )  
For: **ROLLER COVER** )  
Atty. Dkt. No.: 7091-103N1 (10102873) )

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**AMENDMENT**

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CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to: Box: AF, Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: October 10, 2002

*Aide G. Silva*  
AIDE G. SILVA

865 So. Figueroa St., 29th Floor  
Los Angeles, CA 90017-2576

Box: AF  
Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir/Madam:

In response to the Office Action of July 29, 2002, please cancel claim 2  
and amend claim 1 as follows:

## IN THE CLAIMS

1. (Twice amended) In a specialty paint finish roller:

a roller tube having first and second ends, at least one end being open, and an axial cavity located between first and second ends;

a natural sponge member comprising a flat strip of natural sponge of predetermined thickness connected to a base material, said strip being wound diagonally along the longitudinal axis of said roller tube and having natural sponge protrusions capable of applying paint to a surface in a positive design form; and means for rotatably connecting said roller tube to said axle.

## REMARKS

Attached is a marked-up version of the changes made by the above amendment, in a page captioned "Version with Markings to Show Changes Made."

Claim 1 has been amended by incorporating the limitations of claim 2, and in addition to include the further limitation of requiring that the natural sponge be of predetermined thickness. Support for the latter phrase is found in the specification, at page 5, line 18; see also original claim 4.

The rejection of claims 1 and 3 as unpatentable over Serwer U.S. Patent No. 3,030,696 in view of Tramont U.S. Patent No. 5,693,141 is respectfully traversed. Serwer does not teach a natural sponge member of predetermined thickness. He only refers to a "sponge-type" material such as polyurethane (column 2, lines 9-10) there is nothing in Serwer that would suggest providing natural sponge in a predetermined thickness as such would require cutting of the sponge to that thickness, a step which is not required with polyurethane. Nor does Tramont make any such suggestion. The only reference in Tramont to natural sponge material is with respect to Figures 4 and 9 (column 8, line 60 to column 9, line 46). The sponge material in Figures 4 and 9 does not have a predetermined thickness but has a variable thickness.

Moreover, while Sewer proposes diagonally winding a strip of polyurethane material around the longitudinal axis roller tube, there is nothing to suggest that such a procedure could be accomplished with natural sponge rubber and therefore there is no suggestion of the structure as presently claimed. Indeed, Tramont teaches directly away from the invention in requiring, with natural sponge, that his outer medium be formed by wrapping a pre-formed shape about an inner core and then affixing the pre-formed shape to the inner core (column 9, lines 6-9). A simple inspection of Figures 4 and 9 reveals that such wrapping is not a result of diagonal winding.

Therefore, when the art deals with the natural sponge material, the only teaching is to use a variable thickness, not predetermined, and pre-formation, not diagonal winding.

Applicant believes that the claims are in condition for allowance and respectfully solicits a Notice of Allowance.

The Commissioner is hereby authorized to charge any deficiency in the fees files, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0337. A duplicate copy of this paper is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Berliner', with a large, stylized initial 'B'.

Dated: October 10, 2002

Robert Berliner  
Registration No. 20,121

Docket No. 7091-103N1/10102873  
(213) 892-9307

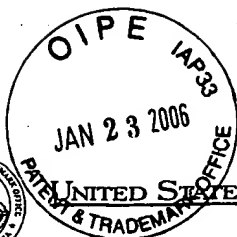
## Version with Markings to Show Changes Made

### IN THE CLAIMS

1. (Twice amended) In a specialty paint finish roller:

a roller tube having first and second ends, at least one end being open, and an axial cavity located between first and second ends;

a natural sponge member [formed on] comprising a flat strip of natural sponge of predetermined thickness connected to a base material, said strip being wound diagonally along the longitudinal axis of said roller tube and having natural sponge protrusions capable of applying paint to a surface in a positive design form; and means for rotatably connecting said roller tube to said axle.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,209	09/19/2001	Song Kim	7091-103/10102873	5641

7590 07/29/2002  
FULBRIGHT & JAWORSKI L.L.P.  
29th Floor  
865 S. Figueroa Street  
Los Angeles, CA 90017

EXAMINER

NGUYEN, TRINH T

ART UNIT PAPER NUMBER

3726

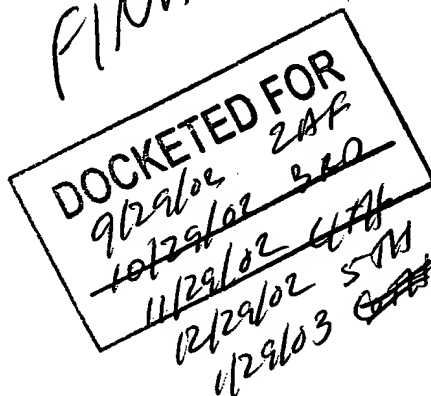
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PTO/SB/08A (10-01)

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Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number	09/893209
		Filing Date	September 19, 2001
		First Named Inventor	Song Kim
		Art Unit	3726
		Examiner Name	Not Yet Assigned
Sheet 1 of 1	Attorney Docket Number	LA-7091-103.US-01	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
ITN	A	2,434,462	01-13-1948	KEMPTHONE	
	B	2,467,010	04-12-1949	COLEY	
	C	2,743,469	05-01-1956	F.D. DITCH	
	D	2,889,613	06-09-1959	E.J. MADARA	
	E	3,030,696	04-24-1962	H. SERWER	
	F	4,209,883	07-01-1980	HAWK	
	G	4,316,301	02-23-1982	SMITH ET AL.	
	H	4,434,521	03-06-1984	MARTIN ET AL.	
	I	4,930,179	06-05-1990	WRIGHT ET AL.	
	J	5,206,979	05-04-1993	CAMPBELL	
	K	5,471,703	12-05-1995	NIVEN	
	L	5,577,291	11-26-1996	MYERS ET AL.	
ITN	M	5,613,265	03-25-1997	GEMMELL	
	N	5,711,047	01-27-1998	ARMALY, JR.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See attached Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>

Examiner Signature		Date Considered	7/22/02
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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<b>Notice of References Cited</b>	Application/Control No. <b>09/893,209</b>	Applicant(s)/Patent Under Reexam <b>Kim</b>	
	Examiner <b>Trinh Nguyen</b>	Art Unit <b>3726</b>	Page 1 of 1

### U.S. PATENT DOCUMENTS

	Document Number Country Code-Number-Kind Code	Date MM-YYYY <sup>1</sup>	Name	Classification <sup>2</sup>	
A	5,693,141	12/1997	Tramont	----	----
B	4,104,435	8/1978	Ballesteros	----	----
C	4,244,074	1/1981	Barcikowski et al.	----	----
D					
E					
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K					
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### FOREIGN PATENT DOCUMENTS

	Document Number Country Code-Number-Kind Code	Date MM-YYYY <sup>1</sup>	Country	Name	Classification <sup>2</sup>	
N						
O						
P						
Q						
R						
S						
T						

### NON-PATENT DOCUMENTS

	Include, as applicable: Author, Title, Date, Publisher, Edition or Volume, Pertinent Pages
U	
V	
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X	

\* A copy of this reference is not being furnished with this Office action. See MPEP § 707.05(a).

<sup>1</sup> Dates in MM-YYYY format are publication dates.

<sup>2</sup> Classifications may be U.S. or foreign.

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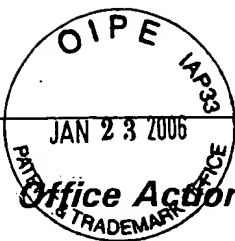
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Application No. <b>09/893,209</b>		Applicant(s) <b>Kim</b>	
Examiner <b>Trinh Nguyen</b>		Art Unit <b>3726</b>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on May 9, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above, claim(s) 4-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Art Unit:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Serwer (US 3,030,696) in view of Tramont (US 5,693,141).

As shown in clearly in Figures 1, 2, and 4, and lines 1-55 of col. 2, Serwer clearly discloses all the limitations as claimed except for 1) a roller tube having at least one end being open, 2) a natural sponge member formed on the roller tube having natural sponge protrusions capable of applying paint to a surface in a positive design form, and 3) the base material comprises cotton.

Regarding 1) a roller tube having at least one end being open, Tramont teaches the use of a roller tube having at least one end being open (for example, see Figures 6 & 7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Serwer's roller tube so as to have at least one end being open, as taught in Tramont, in order to save the cost of manufacturing an extra cap to be inserted into the end of the roller tube.

Art Unit:

Regarding 2) a natural sponge member formed on the roller tube...capable of applying paint to a surface in a positive design form, Tramont teaches the use of a natural sponge member formed on the roller tube wherein the natural sponge member having sponge protrusions capable of applying paint to a surface in a positive design form (see Figure 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have replaced Serwer's synthetic sponge-like lamina 12 with a natural sponge member, as taught in Tramont, in order to save the cost of manufacturing a synthetic sponge member.

Regarding 3) the base material comprises cotton, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have made Serwer's base material (11) out of cotton, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit:

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh Nguyen whose telephone number is (703) 306-9082.

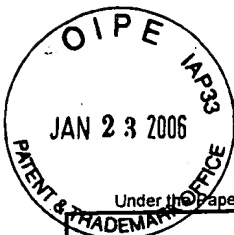
Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.



S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

ttn

July 23, 2002



PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket No. (Optional)

LA-7091-103.US-01

In re Application of Song Kim

Application Number  
09/893209

Filed  
September 19, 2001

For: ROLLER CAGE FRAME AND ROLLER COVER

Group Art Unit 3726 Examiner Trinh T. Nguyen

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate small-entity fee are as follows (check time period desired):

<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ 110.00
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 55.00

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0337

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a)

May 9, 2002  
Date

Signature

Robert Berliner  
Typed or Printed Name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below

☐ 1 forms are submitted.

One Month Request for Extension of Time Under 37 CFR 1.136(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL318728217US, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: May 9, 2002

Signature: Jean Bove (Jean Bove)



PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kim, Song

Serial No.: 09/893,209

Filed: September 19, 2001

For: **ROLLER CAGE FRAME AND ROLLER COVER**

Atty. Dkt. No.: 7091-103N1 (10102873)

Examiner: Trinh T. Nguyen

Art Unit: 3726

*New name  
F "Roller Cover"*

**AMENDMENT**

CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Box: Non-Fee Amendment, Washington, D.C. 20231.

Date: 5-9, 2002

*Jean Bove*  
Jean Bove

May 3, 2002  
865 South Figueroa Street, 29th Floor  
Los Angeles, California 90017-2576

Assistant Commissioner for Patents  
Box: Non-Fee Amendment  
Washington, DC 20231

Dear Sir/Madam:

In response to the Office Action of January 30, 2002, please amend the application as follows:

IN THE TITLE

Please change the title to read:

"ROLLER COVER"

**RECEIVED**

JAN 30 2006

TECHNOLOGY CENTER R3700

### **IN THE ABSTRACT**

Please change the Abstract to read:

"An improved specialty paint finish roller comprising a roller handle assembly having an axle portion, a roller tube and a naturally occurring sponge material secured around the roller tube. The sponge material is fabricated by slicing natural sponge to form flat sponge pieces, which are adhered to a base material, cut lengthwise and wound about the surface of the roller member. The elongated tube member is then cut to predetermined sizes, the resulting roller tube being joined to the roller handle assembly. The finish roller has natural sponge protrusions capable of applying paint to a surface in a positive design form.

### **IN THE SPECIFICATION**

Page 1, line 10, change "Carbell" to – Campbell –

Page 1, line 25, change "of man" to – of a man –

Page 4, line 21, change "bushing 18" to – bushing –

Page 4, line 22, change "cap member 19" to – cap member –

Page 7, line 9, change "proving" to – providing –

### **IN THE CLAIMS:**

Please amend Claims 1 and 2 as follows:

1.(Amended) In a specialty paint finish roller:

a roller tube having first and second ends, at least one end being open, and an axial cavity located between first and second ends;

a natural sponge member formed on said roller tube having natural sponge protrusions capable of applying paint to a surface in a positive design form; and

means for rotatably connecting said roller tube to said axle.

2. (Amended) The roller of claim 1 wherein said natural sponge member comprises a flat strip of natural sponge connected to a base material, said strip being wound diagonally along the longitudinal axis of said roller tube.

### **REMARKS**

Attached is a marked-up version of the changes made by the above amendment, in a page, captioned "Version with markings to show changes made."

The claims have been amended to more clearly emphasize the inventive concept, and to further distinguish over the cited art. Applicant confirms the election of Group I, claims 1 – 3, with traverse. Claims 1-3 are therefore pending in this application.

Support for amended Claims 1 and 2 can be found in the sentence bridging pages 4 and 5 of the specification. The Examiner has objected to the abstract, as being too long and requested that the specification be checked for minor errors. The amendments to the abstract and to the specification are believed to be responsive to these objections. Attached hereto is a marked up version of the changes made to the claims, specification and abstract by the current amendment. The attached page is captioned "Version with markings to show changes made."

The rejections of the claims as either anticipated by Server under 35 U.S.C. § 102(b) or as obvious over Server under 35 U.S.C. § 103(a) are respectfully traversed. A key aspect of the invention is the use of natural sponge, which provides benefits over the use of artificial sponge such as the "plastic foam of the polyurethane class" referred to by Server (column 2, lines 9 – 10) in that they have protrusions capable of applying paint to a surface in a positive design form. Claim 1 has been amended to specify such protrusions.



The use of sponge protrusions in the present invention in the positive method for forming designs is described on page 5, line 1 of the specification. The positive and negative methods for forming designs is described in Campbell patent 5,206,979 ("the '979 patent"), referred to on page 5, line 3 of the specification. The '979 patent describes the two methods of applying a top coat: "a negative application method, whereby the top coat is selectively removed after it has been uniformly applied over the base coat, and a positive application method, whereby the top coat is selectively applied over the base coat" (column 1, lines 24 – 29 of the '979 patent). Serwer, however, does not enable either method, but clearly shows in his drawings that the artificial sheets of sponge material he uses are smooth, with no design forming protrusions.

Moreover, the concept of using natural sponge on a roller to provide the capability of applying paint in a positive design form is not only unique, but is contrary to what can be gleaned from the relevant art. See, in this regard, Martin et al patent 4,434,521, cited in the Information Disclosure Statement filed in this application and in parent application Serial No. 09/116227 (copy attached for convenience), where "tricks of the trade" of professionals are described for obtaining novelty finishes having a textured appearance (column 1, lines 35 – 61), all without the use of rollers. Note that Martin et al describes the use of sponges (among other items) that can be used for "scoring, gouging, displacing or deforming parts of the coating already applied to the substrate (column 1, lines 43 – 45), i.e., the negative application method of the '979 patent referred to above. However, when Martin et al describe dabbing the coating composition onto the substrate, i.e., the positive application method of the '979 patent, the use of a sponge of any type is glaringly absent (column 1, lines 49 – 53). Therefore, one is lead away from the use of any sponge on a roller to apply paint to a surface in a positive design form. By using natural sponge on a paint roller, with its sponge protrusions, applicant is able to apply paint to a surface in a positive design form, something not contemplated by the "tricks of the trade" described by Martin et al.

Applicant believes the claims are in condition for allowance and respectfully solicits a Notice of Allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Robert Berliner', written over a horizontal line.

Robert Berliner  
Registration No. 20,121

Docket No. 1279-203D1/(09806617)  
(213) 892-9307

## **Version with markings to show changes made**

### **IN THE TITLE**

[ROLLER CAGE FRAME AND ]ROLLER COVER

### **IN THE SPECIFICATION**

Amend the specification as follows:

Page 1, line 10, change "Carbell" to – Campbell –

Page 1, line 25, change "of man" to – of a man –

Page 4, line 21, change "bushing 18" to – bushing –

Page 4, line 22, change "cap member 19" to – cap member –

Page 7, line 9, change "proving" to – providing –

### **IN THE ABSTRACT**

An improved specialty paint finish roller comprising a [conventional] roller handle assembly having an axle portion, a roller tube and a naturally occurring sponge material secured around the roller tube. The [roller tube] sponge material is fabricated by slicing natural sponge [in a manner] to form [essentially] flat sponge pieces[ One of the sponge pieces is then placed over a surface of a base material having an adhesive applied thereto, the sponge material thereby adhering to the], which are adhered to a base material]. The sponge/base material is then], cut lengthwise [into an adhesive and is then] and wound about the surface of the roller member], the adhesive then being allowed to dry]. The elongated tube member is then cut to predetermined sizes, the resulting roller tube being joined to the roller handle assembly. [Using a natural sponge as the paint applicator produces a natural design, each roller being unique such that a unique design is applied to an interior wall. In addition, the natural sponge material holds a relatively large amount of paint, the paint being released

easily under pressure] The finish roller has natural sponge protrusions capable of applying paint to a surface in a positive design form.

[In a second embodiment of the invention, the conventional roller cage frame is modified by forming notches in selected elongated frame rod members whereby the roller cover positioned thereover is prevented from "walking-off" the frame because of the increased resistance provided by the notches.]

### **IN THE CLAIMS:**

Please amend Claims 1 and 2 as follows:

1.(Amended) [A] In a specialty paint finish roller[ comprising]:

[a roller handle assembly comprising a handle and a connector member connected to said handle;

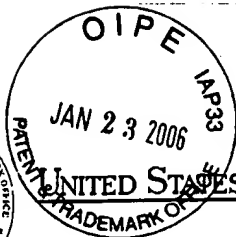
an axle connected to said connector member;]

a roller tube having first and second ends, at least one end being open, and an axial cavity located between first and second [open] ends;

a natural sponge member formed on said roller tube having natural sponge protrusions capable of applying paint to a surface in a positive design form; and

means for rotatably connecting said roller tube to said axle.

2. (Amended) The roller of claim 1 wherein said natural sponge member comprises a flat strip of natural sponge connected to a base material, said strip being wound diagonally along the longitudinal axis of said roller tube.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/893,209	03/10/2004	Song Kim	7091-103/10102873

**RECEIVED**

APR 16 2002

CONFIRMATION NO. 5641

FULBRIGHT & JAWORSKI L.L.P.  
29th Floor  
865 S. Figueroa Street  
Los Angeles, CA 90017

FULBRIGHT & JAWORSKI



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JAN 30 2006

TECHNOLOGY CENTER R3700

Title: Roller cage frame and roller cover

Publication No. US-2002-0035764-A1  
Publication Date: 03/28/2002

Date Mailed: 03/28/2002

**NOTICE OF PUBLICATION OF APPLICATION**

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at [www.uspto.gov](http://www.uspto.gov). The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Crystal Gateway 4, Room 335, Washington, D.C. 20231, or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at [www.uspto.gov](http://www.uspto.gov) using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at (703) 305-3028.



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,209	09/19/2001	Song Kim	7091-103/10102873 N1	5641

7590 01/30/2002  
FULBRIGHT & JAWORSKI L.L.P.  
29th Floor  
865 S. Figueroa Street  
Los Angeles, CA 90017

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FEB 5 2002  
FULBRIGHT & JAWORSKI

EXAMINER

NGUYEN, TRINH T

ART UNIT PAPER NUMBER

3726

DATE MAILED: 01/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED FOR  
3/30/02 OAR  
4/30/02 3RD  
5/30/02 4TH  
6/30/02 5TH  
7/30/02 6TH

RECEIVED

JAN 30 2006

TECHNOLOGY CENTER AS/00



<b>Office Action Summary</b>	Application No. <b>09/893,209</b>	Applicant(s) <b>Kim</b>
	Examiner <b>Trinh Nguyen</b>	Art Unit <b>3726</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on Sep 19, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above, claim(s) 4-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

**RECEIVED**

**JAN 30 2006**

TECHNOLOGY CENTER R3700

Art Unit:

## DETAILED ACTION

### *Election/Restriction*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-3, drawn to a roller, classified in class 492, subclass 13.
  - II. Claims 4-8, drawn to a method of fabricating a roller, classified in class 29, subclass 895.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process as claimed can be used to make other and materially different product such as a roller used in scrubbing instead of painting.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.



Art Unit:

5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Attorney Berliner on 1/23/02 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-3. Affirmation of this election must be made by applicant in replying to this Office action. Claims 4-8 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Specification***

7. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

8. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors, Applicant's cooperation is requested and appreciated in correcting any errors of which Applicant may become aware in the specification.

Art Unit:

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Serwer (US 3,030,696).

As shown in clearly in Figures 1, 2, and 4, and lines 1-55 of col. 2, Serwer clearly teaches all the limitations as claimed.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Serwer (US 3,030,696).

Serwer discloses the claimed invention except for the base material comprises cotton. It would have been obvious to one having ordinary skill in the art at the time the invention was

Art Unit:

made to have made Serwer's base material (11) out of cotton, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

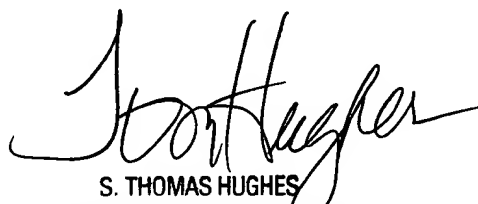
*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited on form PTO-892 encloses herewith.

Official documents related to the instant application may be submitted to the Technology Center 3700 mail center by facsimile at (703) 305-3579/3580.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh Nguyen whose telephone number is (703) 306-9082.

  
S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

ttn

January 25, 2002

<b>Notice of References Cited</b>	Applicant/Patent <b>Kim</b>	Publication/Control No. <b>09/893,209</b>	
	Examiner <b>Trinh Nguyen</b>	Art Unit <b>3726</b>	Page 1 of 1

### U.S. PATENT DOCUMENTS

	Document Number Country Code-Number-Kind Code	Date MM-YYYY <sup>1</sup>	Name	Classification <sup>2</sup>	
A	3,030,696	4/1962	Serwer	----	----
B	4,191,792	3/1980	Janssen	----	----
C	4,359,938	11/1982	Koren	----	----
D	4,627,127	12/1986	Dupre	----	----
E	5,294,276	3/1994	Linn et al.	----	----
F	2,584,724	2/1952	Mattie	----	----
G	2,647,300	8/1953	Thomas et al.	----	----
H	3,226,799	1/1966	Grodberg et al.	----	----
I	4,105,816	8/1978	Hori	----	----
J	3,926,701	12/1975	Nishiwaki	----	----
K	4,257,140	3/1981	Downing	----	----
L					
M					

### FOREIGN PATENT DOCUMENTS

	Document Number Country Code-Number-Kind Code	Date MM-YYYY <sup>1</sup>	Country	Name	Classification <sup>2</sup>	
N						
O						
P						
Q						
R						
S						
T						

### NON-PATENT DOCUMENTS

	Include, as applicable: Author, Title, Date, Publisher, Edition or Volume, Pertinent Pages
U	
V	
W	
X	

\* A copy of this reference is not being furnished with this Office action. See MPEP § 707.05(a).

<sup>1</sup> Dates in MM-YYYY format are publication dates.

<sup>2</sup> Classifications may be U.S. or foreign.

**Attachment for PTO-948 (Rev. 03/01, or earlier)**  
**6/18/01**

**The below text replaces the pre-printed text under the heading "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL 37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlight (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.



In re application of: Song Kim  
FOR: ROLLER CAGE FRAME AND ROLLER COVER  
SN/PATENT NO.: 09/893,209

PATENT  
Docket No. 7091-103N1/10102873

FILING/ISSUE DATE: September 19, 2001

Enclosures:

INFORMATION DISCLOSURE STATEMENT (2); INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT WITH 14 REFERENCES ATTACHED; DEPOSIT ACCOUNT

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TECHNOLOGY CENTER

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ACKNOWLEDGES RECEIPT OF THE ENCLOSED DOCUMENTS.

Date Mailed: January 23, 2002

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In re application of: Song Kim  
FOR: ROLLER CAGE FRAME AND ROLLER COVER  
SN/PATENT NO.: 09/893,209

PATENT  
Docket No: 7091-103N1/10102873

FILING/ISSUE DATE: September 19, 2001

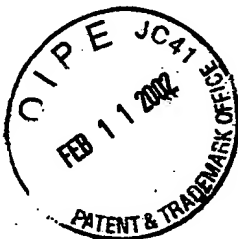
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INFORMATION DISCLOSURE STATEMENT (2); INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT WITH 14 REFERENCES ATTACHED; DEPOSIT ACCOUNT

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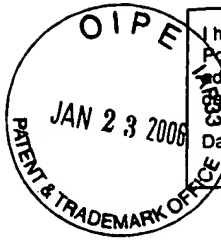
FULBRIGHT & JAWORSKI



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ACKNOWLEDGES RECEIPT OF THE ENCLOSED DOCUMENTS.

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Dated: January 23, 2002

Signature

(Nancy Nolan)

Docket No.: 7091-103  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Song Kim

Application No.: 09/893209

Group Art Unit: 3726

Filed: September 19, 2001

Examiner: Not Yet Assigned

For: ROLLER CAGE FRAME AND ROLLER  
COVER

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Assistant Commissioner for Patents  
Washington, DC 20231

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**JAN 30 2006**

Dear Sir:

TECHNOLOGY CENTER R3700

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned.

A copy of each reference on PTO/SB/08 is attached.

A full translation of the non-English language references is enclosed.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter

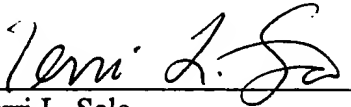
Application No.: 09/893209

Docket No.: LA-7091-103.US-01

filed in this application by this firm) to our Deposit Account No. 50-0337. A duplicate copy of this paper is enclosed.

Dated: January 23, 2002

Respectfully submitted,

By 

Terri L. Sale

Registration No.: 45,066

FULBRIGHT & JAWORSKI L.L.P.

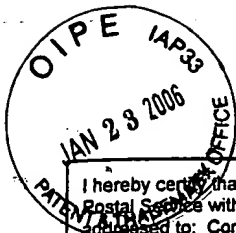
865 South Figueroa, 29<sup>th</sup> Floor

Los Angeles, California 90017-2571

(213) 892-9200

Attorneys for Applicant





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Dated: January 23, 2002

Signature:

*Nancy Nolan*  
(Nancy Nolan)

Docket No.: 7091-103  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Song Kim

Application No.: 09/893209

Group Art Unit: 3726

Filed: September 19, 2001

Examiner: Not Yet Assigned

For: **ROLLER CAGE FRAME AND ROLLER  
COVER**

**INFORMATION DISCLOSURE STATEMENT (IDS)**

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Dear Sir:

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned.

A copy of each reference on PTO/SB/08 is attached.

A full translation of the non-English language references is enclosed.

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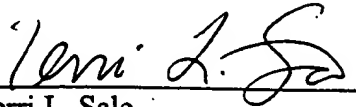
Application No.: 09/893209

Docket No.: LA-7091-103.US-01

filed in this application by this firm) to our Deposit Account No. 50-0337. A duplicate copy of this paper is enclosed.

Dated: January 23, 2002

Respectfully submitted,

By 

Terri L. Sale

Registration No.: 45,066

FULBRIGHT & JAWORSKI L.L.P.

865 South Figueroa, 29<sup>th</sup> Floor

Los Angeles, California 90017-2571

(213) 892-9200

Attorneys for Applicant



PTO/SB/08A (10-01)

Approved for use through 10/31/2002.OMB 0651-0031

U. S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	09/893209
				Filing Date	September 19, 2001
				First Named Inventor	Song Kim
				Art Unit	3726
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	LA-7091-103.US-01

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A	2,434,462	01-13-1948	KEMPTHONE	
	B	2,467,010	04-12-1949	COLEY	
	C	2,743,469	05-01-1956	F.D. DITCH	
	D	2,889,613	06-09-1959	E.J. MADARA	
	E	3,030,696	04-24-1962	H. SERWER	
	F	4,209,883	07-01-1980	HAWK	
	G	4,316,301	02-23-1982	SMITH ET AL.	
	H	4,434,521	03-06-1984	MARTIN ET AL.	
	I	4,930,179	06-05-1990	WRIGHT ET AL.	
	J	5,206,979	05-04-1993	CAMPBELL	
	K	5,471,703	12-05-1995	NIVEN	
	L	5,577,291	11-26-1996	MYERS ET AL.	
	M	5,613,265	03-25-1997	GEMMELL	
	N	5,711,047	01-27-1998	ARMALY, JR.	

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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See attached Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.



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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/893,209	09/19/2001	3726	355	7091- 103/10102873	4	8	2

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Los Angeles, CA 90017

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CONFIRMATION NO. 5641

## FILING RECEIPT



\*OC000000007201959\*

Date Mailed: 12/17/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) *Song Kim, Palos Verdes Estates, CA;*  
Song Kim, Palos Verdes Estates, CA;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/116,227 07/16/1998 ABN

## Foreign Applications

If Required, Foreign Filing License Granted 07/24/2001

Projected Publication Date: 03/28/2002

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title *Roller cage frame and roller cover*  
Roller cage frame and roller cover

## Preliminary Class

492

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**LICENSE FOR FOREIGN FILING UNDER  
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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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In re application of: Song Kim  
FOR: ROLLER CAGE FRAME AND ROLLER COVER  
SN/PATENT NO.: 09/893209

PATENT  
Docket No. 7091-103N1/101028873

FILING/ISSUE DATE: 6/26/01

Enclosures:

TRANSMITTAL SHEET WITH DEPOSIT ACCOUNT AUTHORIZATION 4 SHEETS OF  
DRAWINGS, AND COPY OF NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Song Kim )  
Serial No. : 09/893,209 )  
Filed : June 26, 2001 )  
For : ROLLER CAGE FRAME AND )  
ROLLER COVER )  
Docket No. : 7091-103/10102873 )

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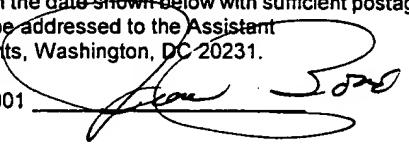
**JAN 30 2006**

TECHNOLOGY CENTER H3700

CERTIFICATE OF MAILING

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Date: September 19, 2001

  
FULBRIGHT & JAWORSKI, L.L.P.  
865 S. Figueroa Street, 29th Floor  
Los Angeles, CA 90017-2571

**RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION**

ASST COMMISSIONER FOR PATENTS  
Washington, D. C. 20231  
Attn: Initial Patent Examination Division

Sir:

In response to the Notice of incomplete nonprovisional Application (copy enclosed) mailed July 24, 2001, attached are four sheets of formal drawings and a newly executed declaration and power of attorney pertaining to the above-identified patent application.

Applicant qualifies for small entity status. Please charge the \$65.00 Missing Parts Fee to Deposit Account No. 50-0337. Please charge and additional fee or credit

any overpayment deposit account No. 50-0337. A duplicate copy of this page is enclosed.

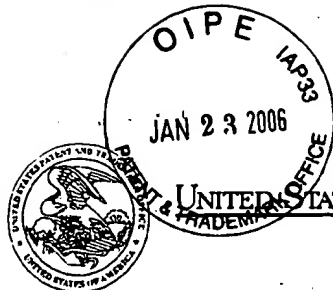
Respectfully submitted,



ROBERT BERLINER  
Registration No. 20,121

(213) 892-9237





UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/893,209	06/26/2001	Song Kim	7091-103

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865 S. Figueroa Street  
Los Angeles, CA 90017

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TECHNOLOGY CENTER R3700

CONFIRMATION NO. 5641

FORMALITIES LETTER



\*OC000000006336912\*

Date Mailed: 07/24/2001

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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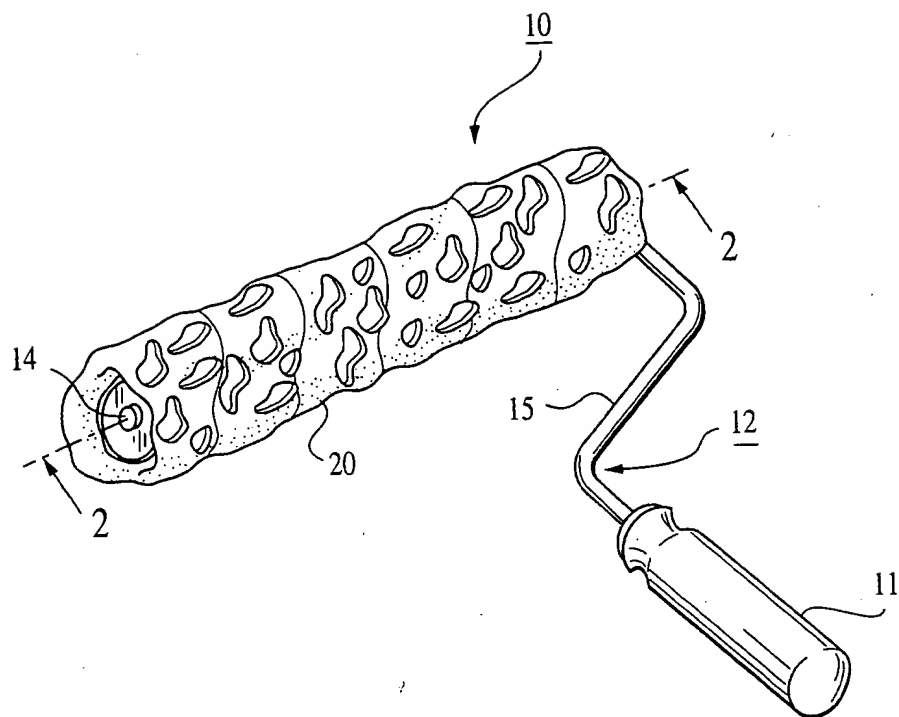


FIG. 1

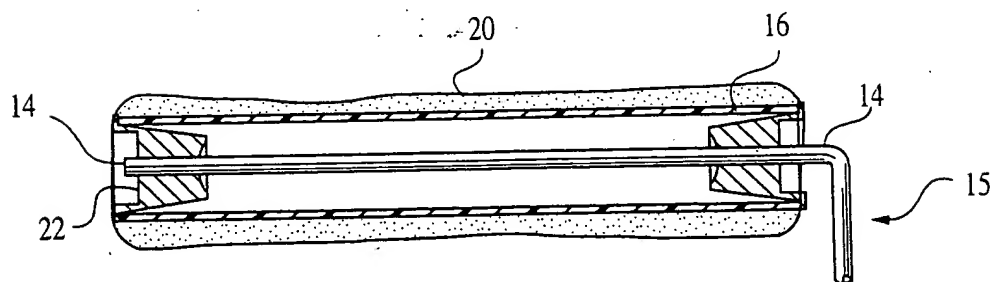


FIG. 2

2/4

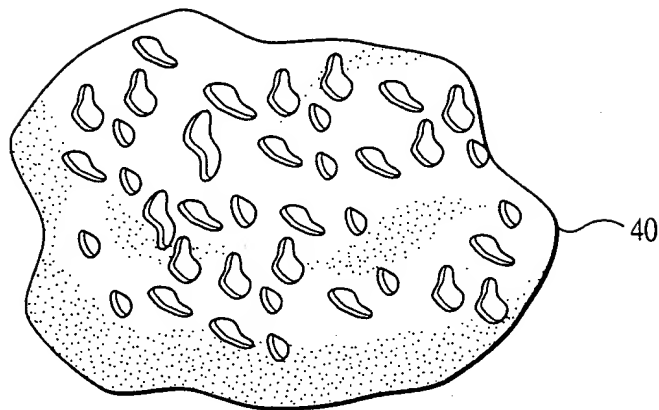


FIG. 3

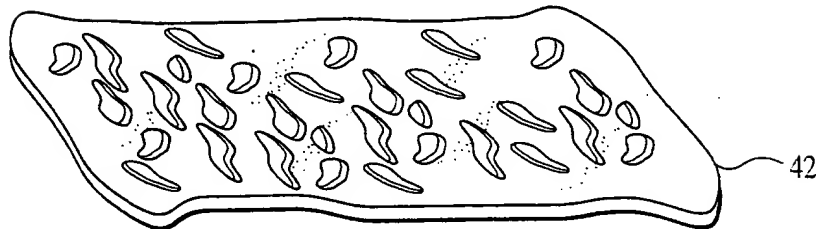


FIG. 4

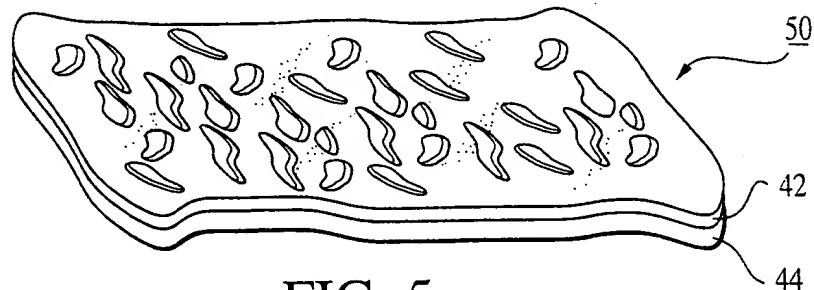
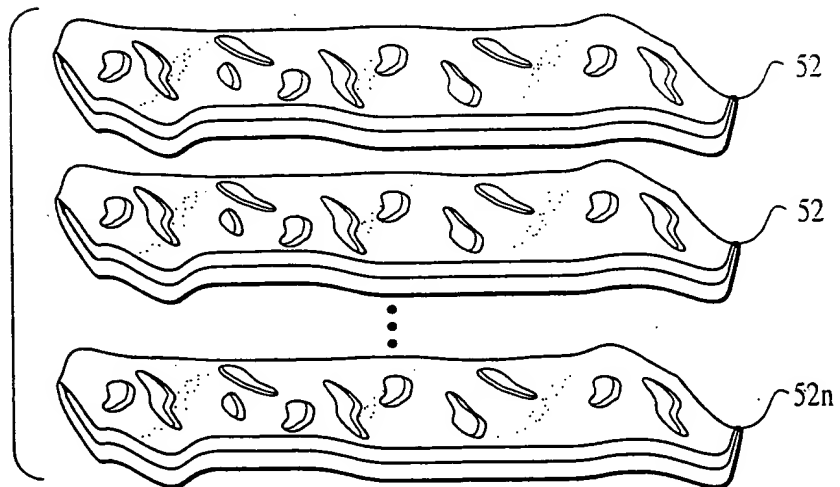


FIG. 5

FIG. 6



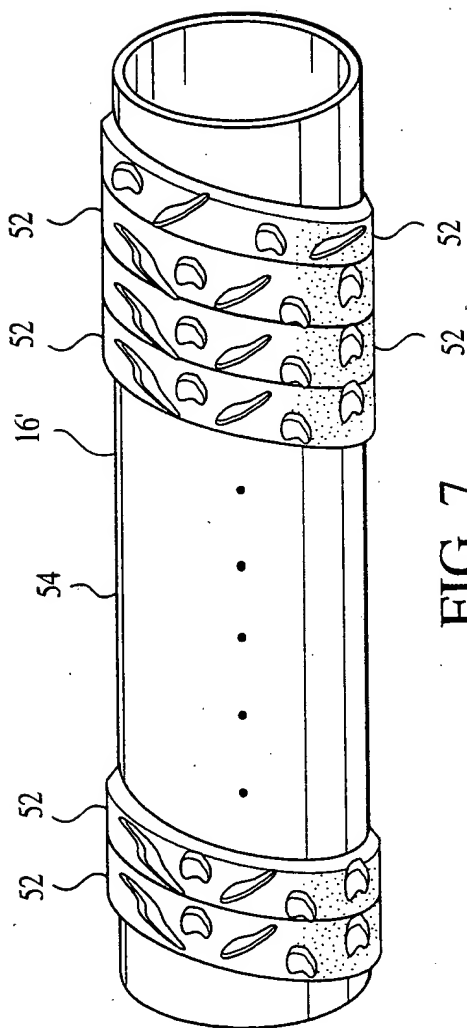


FIG. 7

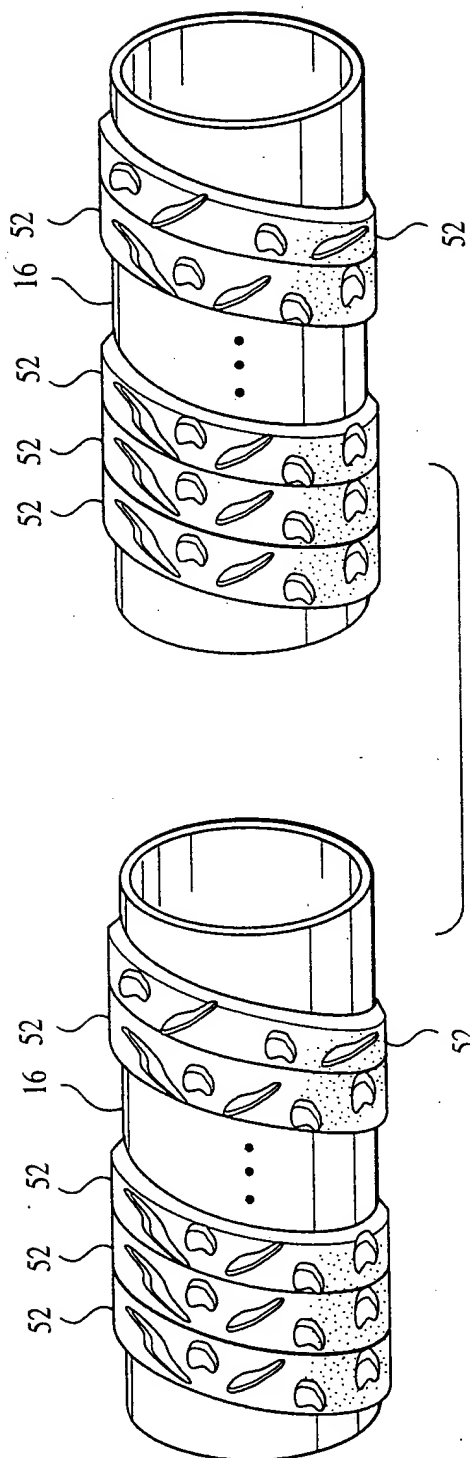


FIG. 8

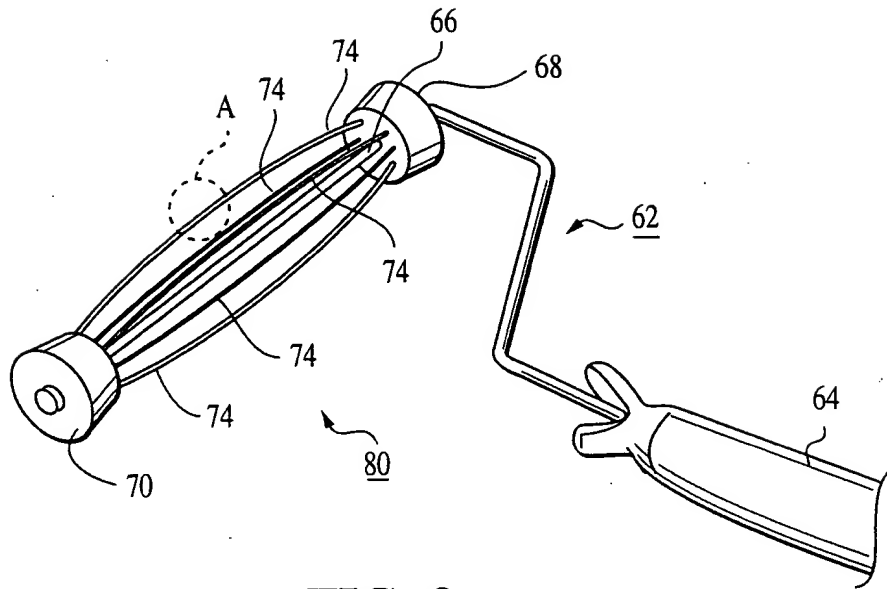
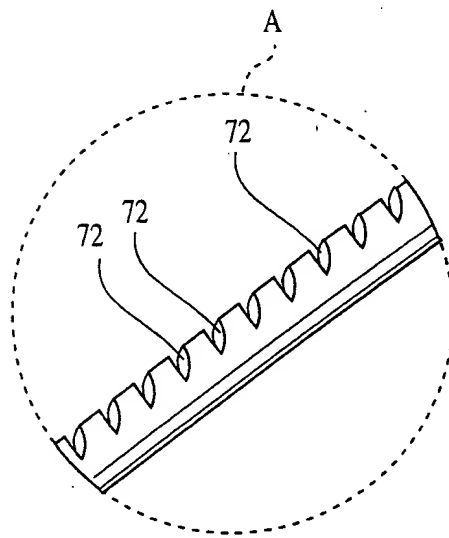
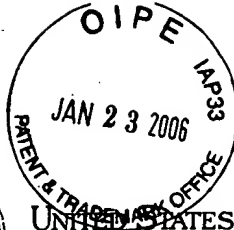


FIG. 9



RB



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/893,209	06/26/2001	Song Kim	7091-103

CONFIRMATION NO. 5641

## FORMALITIES LETTER

RECEIVED



\*OC000000006336912\*

JUL 26 2001

FULBRIGHT & JAWORSKI L.L.P.  
29th Floor  
865 S. Figueroa Street  
Los Angeles, CA 90017

FULBRIGHT &amp; JAWORSKI

Date Mailed: 07/24/2001

DOCKETED FOR

8-24-2001 (EMP)  
9-24-2001

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

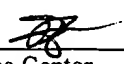
A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

*Darkman*



In re application of: Song Kim  
FOR: ROLLER CAGE FRAME AND ROLLER COVER  
SN/PATENT NO.: 09/116,227

PATENT  
Docket No. 7091-102/10102873

FILING/ISSUE DATE: 07/16/98

Enclosures:

Petition for Revival of an Application for Patent Abandoned Unintentionally

THE U.S. PATENT AND TRADEMARK STAMP AFFIXED TO THIS POSTCARD HEREBY  
ACKNOWLEDGES RECEIPT OF THE ENCLOSED DOCUMENTS.

Date Mailed: June 26, 2001

AS/lb

In re application of: Song Kim  
FOR: ROLLER CAGE FRAME AND ROLLER COVER  
SN/PATENT NO.: 09/116,227

PATENT  
Docket No. 7091-102/10102873  
FILING/ISSUE DATE: 07/16/98

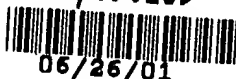
Enclosures:  
Petition for Revival of an Application for Patent Abandoned Unintentionally

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JUL 13 2001

FULBRIGHT & JAWORSKI

11002 U.S. PTO  
09/893209



THE U.S. PATENT AND TRADEMARK STAMP AFFIXED TO THIS POSTCARD HEREBY  
ACKNOWLEDGES RECEIPT OF THE ENCLOSED DOCUMENTS.

Date Mailed: June 26, 2001

AS/lb

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.  
7091-103 / 10102873

In Re Application Of: Song Kim

Serial No.  
09/116,227

Filing Date  
07/16/98

Examiner  
Butler, M.

Group Art Unit  
3726

Invention: **ROLLER CAGE FRAME AND ROLLER COVER**

ASSISTANT COMMISSIONER FOR PATENTS

Attention: Office of Petitions

Box DAC

Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☐ A proposed reply to the above-identified Office Action:

☐ is enclosed. ☐ was filed on \_\_\_\_\_

The proposed reply is in the form of: \_\_\_\_\_

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on \_\_\_\_\_

3. ☐ A small entity declaration:

☐ is enclosed. ☐ was filed on \_\_\_\_\_

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.



**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.  
7091-103 / 10102873

In Re Application Of: Song Kim

Serial No.  
09/116,227

Filing Date  
07/16/98

Examiner  
Butler, M.

Group Art Unit  
3726

Invention: **ROLLER CAGE FRAME AND ROLLER COVER**

**Calculation and Payment of Fees**

Enclosed are the following fees:

- |   |                             |
|---|-----------------------------|
| 7. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of:        | <u>\$620.00</u>             |
| 8. <input type="checkbox"/> Fee for amendment in the amount of:                                   | <u>                    </u> |
| 9. <input type="checkbox"/> Fee for extension of time to reply to Office Action in the amount of: | <u>                    </u> |
| 10. <input type="checkbox"/> Issue fee in the amount of:  | <u>                    </u> |
| 11. <input type="checkbox"/> Continuing application filing fee in the amount of:                  | <u>                    </u> |
| 12. <input type="checkbox"/> Terminal disclaimer fee in the amount of:                            | <u>                    </u> |
| 13. <input type="checkbox"/> _____  | <u>                    </u> |
| Total fees enclosed: <u>\$620.00</u>  |                             |

The fee of **\$620** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 50-0337
- A duplicate copy of this sheet is enclosed.

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.  
7091-102 / 10102873

In Re Application Of: Song Kim

Serial No.  
09/116,227

Filing Date  
07/16/98

Examiner  
Butler, M.

Group Art Unit  
3726

Invention: ROLLER CAGE FRAME AND ROLLER COVER

**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Inventor believes and never stopped believing that his invention was patentable. However, inventor appears to have become disenchanted with his patent attorney of record, at that time. On information and belief, there was an unintentional breakdown of meaningful communication between the inventor and the attorney. Unintentionally, the inventor was left without knowledge of his desired course, namely, to file a continuation and thus to continue his desired course of obtaining a patent for his invention, which he never stopped believing in.



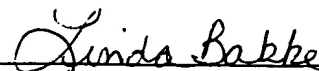
*Signature*

Dated: June 26, 2001

Abraham N. Seidman  
Registration No. 41,300

FULBRIGHT & JAWORSKI L.L.P.  
865 S. Figueroa Street, 29th Floor  
Los Angeles, California 90017  
(213) 892-9200  
(213) 680-4518 Fax

I certify that this document and fee is being deposited  
on June 26, 2001 with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231.



*Signature of Person Mailing Correspondence*

Linda Bakke

*Typed or Printed Name of Person Mailing Correspondence*

cc:

# UTILITY PATENT APPLICATION TRANSMITTAL

## (Small Entity)

Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
7091-103

Total Pages in this Submission

**TO THE ASSISTANT COMMISSIONER FOR PATENTS**Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**ROLLER CAGE FRAME AND ROLLER COVER**

and invented by:

**Song Kim**If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☒ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: 09/116,227

Which is a:

☐ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: \_\_\_\_\_

Which is a:

☐ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☐ Specification having \_\_\_\_\_ pages and including the following:
  - a. ☐ Descriptive Title of the Invention
  - b. ☐ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Microfiche Appendix (if applicable)
  - e. ☐ Background of the Invention
  - f. ☐ Brief Summary of the Invention
  - g. ☐ Brief Description of the Drawings (if drawings filed)
  - h. ☐ Detailed Description
  - i. ☐ Claim(s) as Classified Below
  - j. ☐ Abstract of the Disclosure

# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
7091-103

Total Pages in this Submission

## Application Elements (Continued)

3. ☐ Drawing(s) (when necessary as prescribed by 35 USC 113)
- a. ☐ Formal      b. ☐ Informal      Number of Sheets \_\_\_\_\_
4. ☒ Oath or Declaration
- a. ☐ Newly executed (original or copy)      ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☐ With Power of Attorney      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference (usable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Program in Microfiche
7. ☐ Genetic Sequence Submission (if applicable, all must be included)
- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

## Accompanying Application Parts

8. ☐ Assignment Papers (cover sheet & documents)
9. ☐ 37 CFR 3.73(b) Statement (when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
- ☐ First Class      ☒ Express Mail (Specify Label No.): EL341559866US

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
7091-103

Total Pages in this Submission

**Accompanying Application Parts (Continued)**

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☐ Small Entity Statement(s) - Specify Number of Statements Submitted: \_\_\_\_\_
17. ☐ Additional Enclosures *(please identify below)*:

----------------------

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

18. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***



**UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
7091-103

Total Pages in this Submission

**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	8	- 20 =	0	x \$9.00	\$0.00
Indep. Claims	2	- 3 =	0	x \$40.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$355.00
OTHER FEE (specify purpose) _____					\$0.00
TOTAL FILING FEE					\$355.00

- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 50-0337 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of \$355.00 as filing fee.
- ☐ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: July 26, 2001

  
Signature

Abraham N. Seidman  
Registration No. 41,300

FULBRIGHT & JAWORSKI L.L.P.  
865 S. Figueroa Street, 29th Floor  
Los Angeles, California 90017

cc:



PATENT APPLICATION PAPERS

OF

SONG KIM

FOR: IMPROVED ROLLER CAGE FRAME AND ROLLER COVER



## BACKGROUND OF INVENTION

### 1. Field of the Invention

The present invention provides an improved roller for specialty paint finishes, the roller, in one embodiment utilizing a natural sponge material secured to the roller handle assembly and, in a second embodiment, an improved roller handle assembly wherein the assembly frame ribs are notched to secure the roller tube/sponge material assembly to the roller.

### 2. Description of the Prior Art

U.S. Patent No. 5,206,979 to Campbell<sup>an</sup> discloses an improved roller for specialty paint finishes wherein a generally cylindrically shaped rag component is twisted around the roller handle assembly tube and tucked into the axial cavity of the roller tube, the rag component being twisted with respect to the roller tube. The apparent improvement of this patent is the use of a rag component so that it is formed as a component for a roller handle assembly device, widely used by the public, as compared to using separate rag material applied by hand to the top paint coat which overlies a base coat.

The prior art described in the '979 patent sets forth the problems using hand tools which are hand manipulated to form a specialty finish. In particular, gloves are required and a mess typically results. The twisted rag component covering the roller tube applies a specialty finish using either the positive or negative application method; however, the use of <sup>q</sup>man made roller<sub>^</sub>



has drawbacks in that the roller position is difficult to control as is the paint release.

United States patents developed as a result of a patentability search includes Patent No. 2,434,462 to Kempthorne which discloses a roller for finishing surfaces of sprayed fibrous material; Patent No. 2,467,010 to Coley which discloses a conventional roller type applicator having the roller surface modified with a thickened paint to produce a textured pattern on a surface; Patent No. 5,577,291 to Myers et al which discloses a paint roller having cartridges positioned around the roller, decorative flaps comprising a part of the cartridge to form patterns on a surface; and Patent No. 4,930,179 to Wright et al discloses a decorating paint roller having flexible flaps on the roller surface.

Although the '291 and '979 patents refer to sponges used to apply a specialty finish to an interior wall, for example, the prior art does not suggest that a natural sponge can be secured to a roller handle assembly to form the specialty finish.

Another problem in the prior art is that the rollers tend to separate from the underlying metal frame over a number of paint strokes, the conventional roller frame comprising a series of metal rib members having a smooth surface.

What is therefore desired is to provide a roller which overcomes the above disadvantages of using a man made material to apply the specialty finish and a roller that more securely holds the roller tube to the underlying frame member.

### SUMMARY OF THE INVENTION

The present invention provides a improved specialty paint finish roller comprising a conventional roller handle assembly having an axle portion, a roller tube and a naturally occurring sponge material secured around the roller tube. The roller tube is fabricated by slicing natural sponge in a manner to form essentially flat sponge pieces. One of the sponge pieces is then placed over a surface of a base material having an adhesive applied thereto, the sponge material thereby adhering to the base material. The sponge/base material is then cut lengthwise into strips.

An adhesive is applied to an elongated roller member and the strip of sponge/base material is then wound about the surface of the roller member, the adhesive then being allowed to dry. The elongated tube member is then cut to predetermined sizes, the resulting roller tube being joined to the roller handle assembly in a conventional manner.

Using a natural sponge as the paint applicator produces a natural design, each roller being unique such that a unique design is applied to an interior wall. In addition, the natural sponge material holds a relatively large amount of paint, the paint being released easily under pressure.

In a second embodiment of the invention, the conventional roller cage frame is modified by forming notches in selected elongated frame rod members whereby the roller cover positioned thereover is prevented from "walking-off" the frame because of the added resistance provided by the notches.

### DESCRIPTION OF THE DRAWING

For a better understanding of the invention as well as other objects and further features thereof, reference is made to the following description with is to be read in conjunction with the drawing wherein:

Figure 1 is a perspective view of the specialty paint finish roller of the present invention;

Figure 2 is a sectional view along line 2-2 of Figure 1;

Figures 3-8 illustrate the steps in providing the roller tube with attached cover in accordance with the teachings of the present invention; and

Figure 9 illustrate an improved roller cage frame in accordance with the teachings of the present invention.

### DESCRIPTION OF THE INVENTION

Referring now to Figures 1 and 2, the specialty paint finish roller 10 of the present invention is illustrated. Roller 10 for the most part is conventional and comprises roller handle assembly 12 having handle 11, axle portion 14 extending within the cavity formed in roller tube 16 along the longitudinal axis thereof and a connecting member 15 for connecting axle 14 transversely with respect to handle 11. A bushing 18 rotatably interfaces with axle 14 of roller handle assembly 12 and a cap member 19 is provided at the other end of roller tube 16 as illustrated. In accordance with the teachings of the present invention, a roller cover member 20 comprising a natural sponge material, secured to the underlying

roller tube 14, is utilized to apply paint in the positive method (the positive and negative method of forming designs are set forth in the '979 patent) to the interior wall base coat to form a unique design thereon. The advantages of using a paint roller instead of direct hand manipulation tools has been described in the aforementioned '979 patent. The use of natural sponge as the roller cover material provides advantages not provided by the rag component disclosed in the '979 patent. In particular, natural sponge holds relatively large amounts of paint, the paint releasing easily under pressure.

Figures 3 through 8 illustrate the steps for fabricating the roller cover 20 in accordance with the teachings of the present invention.

Figure 3 shows, in simplified form, a natural sponge 40. As is well known, natural sponge in various shapes and sizes is commercially available from many sources. The natural sponge 40 is then cut by a band saw, for example, to form a plurality of strips of a predetermined thickness (Figure 4 shows a single strip 42). A base material, such as cotton, 44 is first placed on a table and the sponge strip 42 is then secured to the base material via an adhesive material to form the assembly 50 shown in Figure 5. Other materials can be used as the backing material, such as fabric materials other than cotton, plastic sheets and rubber, natural or synthetic. Assembly 50 is then cut into strips 52 ... 52n of a predetermined length as shown in Figure 6.

An elongated roller tube 16', shown in Figure 7, has a layer

of adhesive first applied to the outer tube surface 54. A strip is then diagonally wound around outer surface 54. It should be noted that other techniques can be used to apply the sponge to the roller tube in order to fabricate the roller covers.

The final step is illustrated in Figure 8 wherein elongated roller tube 16' is cut to predetermined lengths to form the roller tube/roller cover 20 described in Figures 1 and 2.

Figure 9 illustrates a conventional roller handle assembly 62 having handle 64, axle 66 and bushings 68 and 70. In accordance with a further teaching of the present invention, interruptions, such as notches 72, are formed along the length of elongated rods 74 as illustrated in detail A. Although five elongated rods 74 are illustrated, either more or less can be utilized. A conventional roller tube (not shown), is positioned over the cage frame 80. Notches 72 add resistance between the inside diameter of the roller tube and the elongated rods 74 and prevents the roller tube from slipping or disengaging, from the cage frame 80. It should be noted that although it is preferred to form notches in each of the elongated rods 74, the notches can also be formed in fewer than the five elongated rods illustrated. A specific notch design is not required for the successful operation of the present invention. For example, the notches can be V-shaped, U-shaped, etc: of a predetermined width, depth, etc. In addition, the spacing between notches along the elongated rods can vary, the particular parameters being determined by customer requirements. It should be noted that other means can be utilized to add resistance, such as

creating small protrusions, or bumps, along the length of the elongated rods by conventional fabrication techniques. It should be noted that other roller handle assemblies can use the concept of added resistance to prevent walk-off, such as the assembly shown in Figure 1. Further, the concepts disclosed hereinabove can be used in applications other than painting.

The present invention thus provides a roller cover that provides a technique for painting unique designs on interior walls, each cover providing a unique design, and a cage frame that minimizes the possibility of the roller cover slipping off.

While the invention has been described with reference to its preferred embodiments, it will be understood by those skilled in the art that various changes may be made and equivalents may be substituted for elements thereof without departing from the true spirit and scope of the invention. In addition, many modifications may be made to adapt a particular situation or material to the teachings of the invention without departing from its essential teachings.

WHAT IS CLAIMED IS:

1. A specialty paint finish roller comprising:
  - a roller handle assembly comprising a handle and a connector member connected to said handle;
  - an axle connected to said connector member;
  - a roller tube having first and second ends and an axial cavity located between first and second open ends;
  - a sponge member formed on said roller tube; and
  - means for rotatably connecting said roller tube to said axle.
2. The roller of claim 1 wherein said sponge member comprises a strip of natural sponge connected to a base material, said strip being wound diagonally along the longitudinal axis of said roller tube.
3. The roller of claim 1 wherein said base material comprises cotton.
4. A method of fabricating a roller tube for use with a specialty paint finish roller comprising the steps of:
  - providing a sponge member;
  - cutting said sponge member into pieces of predetermined thicknesses;
  - providing a base material;
  - connecting a piece of said sponge member to said base material

to form a strip assembly; and

connecting said strip assembly to an elongated roller tube.

5. The method of claim 4 wherein said elongated roller tube is cut into predetermined lengths.

6. The method of claim 4 wherein said base material comprises cotton.

7. The method of claim 4 wherein said sponge member comprises natural sponge.

8. The method of claim 4 wherein said strip assembly is attached to said elongated roller tube diagonally along the longitudinal axis thereof.



## ABSTRACT OF DISCLOSURE

An improved specialty paint finish roller comprising a conventional roller handle assembly having an axle portion, a roller tube and a naturally occurring sponge material secured around the roller tube. The roller tube is fabricated by slicing natural sponge in a manner to form essentially flat sponge pieces. One of the sponge pieces is then placed over a surface of a base material having an adhesive applied thereto, the sponge material thereby adhering to the base material. The sponge/base material is then cut lengthwise into an adhesive and is then wound about the surface of the roller member, the adhesive then being allowed to dry. The elongated tube member is then cut to predetermined sizes, the resulting roller tube being joined to the roller handle assembly. Using a natural sponge as the paint applicator produces a natural design, each roller being unique such that a unique design is applied to an interior wall. In addition, the natural sponge material holds a relatively large amount of paint, the paint being released easily under pressure.

In a second embodiment of the invention, the conventional roller cage frame is modified by forming notches in selected elongated frame rod members whereby the roller cover positioned thereover is prevented from "walking-off" the frame because of the increased resistance provided by the notches.



Declaration and Power of Attorney  
for Patent Application  
English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

IMPROVED ROLLER CAGE FRAME AND ROLLER COVER

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as

Application Serial No. \_\_\_\_\_

and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

## English Language Declaration

Prior Foreign Application(s):

Priority Claimed

N/A  
(Number)

(Country)

(Day/Month/Year Filed)

( ) ( )  
No Yes

(Number)

(Country)

(Day/Month/Year Filed)

( ) ( )  
No Yes

(Number)

(Country)

(Day/Month/Year Filed)

( )      ( )  
No      Yes

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

N/A  
(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### English Language Declaration

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number).

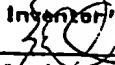
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